

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BRANDON SMIENTANA and )  
SKYCOIN GLOBAL FOUNDATION LIMITED, )  
a Singapore company, and SYMBOLIC )  
ANALYTICS INC. a Delaware Corporation )

Plaintiffs, )

v. )

Case No.: 1:22-cv-00708

BRADFORD STEPHENS, )  
AARON KUNSTMAN, )  
HARRISON GEVIRTZ, f/k/a “HaRRo”, )  
RYAN EAGLE, ANDREW YOUNG, )  
FAR AHEAD MARKETING, )  
JOEL WAYNE CUTHRIELL f/k/a “JOEL”, )  
MORGAN PECK, TRISTAN GREENE, )  
BRYAN CLARK, CATHERINE BYERLY, )  
STEVEN LEONARD, JOSH OGLE, and )  
UNKNOWN INDIVIDUALS AND COMPANIES )

Honorable Sara L. Ellis

Defendants. )

**JOINT INITIAL STATUS REPORT**

NOW COME the Plaintiffs, BRANDON SMIENTANA (“Smietana”) and SKYCOIN GLOBAL FOUNDATION LIMITED, a Singapore Company, and SYMBOLIC ANALYTICS, INC., a Delaware Corporation (“SA”) (collectively “Plaintiffs”), and Defendants, Bradford Stephens, Aaron Kunstman, Harrison Gevirtz f/k/a “HaRRo”, Ryan Eagle, Andrew Young, Far Ahead Marketing, Joel Wayne Cuthriell f/k/a “JOEL”, f/k/a “Caribou”, Morgan Peck, Tristan Greene, Bryan Clark, Catherine Byerly, Steven Leonard, Josh Ogle, and *UNKNOWN INDIVIDUALS AND COMPANIES* (collectively “Defendants”), hereby submit this joint initial

status report. Plaintiff has sought approval of those defendants before the court, and though contribution of data for this report has been received, no party other than plaintiff concedes the full content of this status report.

## **1. NATURE OF THE CASE**

### **A. Contact Information of Attorneys of Record**

*Attorney for Plaintiffs:*

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*Attorney for Defendant Far Ahead Marketing:*

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Lead Attorney  
Pro Hac Vice

### **B. Nature of Claims**

*Claims asserted in Plaintiffs' Complaint at Law include:*

- Violations of the Racketeer Influenced and Corrupt Organizations Act (RICO)
- Fraud
- Civil Conspiracy
- Tortious Interference
- Conversion
- Violations of the Defend Trade Secrets Act

- Unjust Enrichment
- Defamation
- Breach of Fiduciary Duty
- Breach of Contract
- Violations of 720 ILCS 5/12-7.1

There have been no counterclaims or third-party claims asserted.

### **C. Legal and Factual Issues**

#### **D. Relief Sought**

##### *(1) Relief Sought by Plaintiffs:*

Plaintiffs request permanent injunction against Defendants restraining them from further racketeering activity pursuant to 18 U.S.C. §1964(a), ask that this Court enter judgment against Defendants in excess of \$75,000.00 for each count listed in Plaintiffs' Complaint at law, punitive damages, costs, attorneys' fees, and for such other and further relief as this Court may deem just and fair.

## **2. JURISDICTION**

### **A. Federal Statutes**

- (1) This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 18 U.S.C. § 1964(c) since the district courts have original jurisdiction of all civil actions arising under the laws of the United States and Plaintiff has asserted a claim under federal law, 18 U.S.C. § 1964 (RICO).
- (2) This Court has subject matter jurisdiction over this matter pursuant to Plaintiff's federal trade secret claim pursuant to the Defend Trade Secrets Act, 18 U.S.C. §§1836-39 et seq., and 28 U.S.C. §1331 and §1343.

### **B. Diversity/Supplemental Jurisdiction**

- (1) This Court also has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1332(a)(1), 1332(a)(2) and 1332(a)(3) given that the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and in addition thereto, this civil action is between (a) citizens of different States (28 U.S.C. § 1332(a)(1)), (b) citizens of a State and a citizen or subject of a foreign state who are not domiciled in the same state (28 U.S.C. § 1332(a)(2)), and/or (c) citizens of different States and in which a citizen or subject of a foreign state is an additional party (28 U.S.C. § 1332(a)(3)).

##### *(2) Citizenship of Each Named Party:*

Plaintiffs-

- Skycoin Global Foundation: Singapore Company

- Symbolic Analytics Inc.: Delaware Corporation
  - Brandon Smietana: Illinois, USA
- Defendants-
- Bradford Stephens: Illinois, USA
  - Ryan Eagle: Illinois, USA
  - Harrison Gevirtz: New York or California, USA
  - Andrew Young: New York, USA
  - Joshua Ogle: New York, USA
  - Steven Leonard: New York USA
  - Joel Wayne Cuthriell: Oklahoma, USA
  - Far Ahead Marketing: organized under the laws of ~~California~~, Wyoming, USA; principal place of business in Illinois, USA
  - Aaron Kunstman: Wisconsin, USA
  - Catherine Byerly: Florida, USA
  - Tristian Greene: Illinois, USA
  - Bryan Clark: New York, USA

### **3. STATUS OF SERVICE**

There is not a consensus of agreement that all defendants have been served. Alias summons have been issued for Defendant Morgan Peck, Defendant Aaron Kunstman, and Defendant Harrison Gevirtz.

### **4. CONSENT TO PROCEED BEFORE THE UNITED STATES MAGISTRATE JUDGE**

Counsel has advised parties that they may proceed before a Magistrate Judge if they consent unanimously. **[MUST INDICATE IF UNANAMOUS CONSENT HAS BEEN REACHED]**

### **5. MOTIONS**

#### **A. Pending Motions**

A Motion for Leave to Appear Pro Hac Vice was filed by Justin Morello and entered on 03/29/2022. A Motion to Dismiss for Lack of Jurisdiction was filed by Defendant Far Ahead Marketing and entered on 04/01/2022. Far Ahead does not consent to the submission of this status report until after their Motion to Dismiss for Lack of Jurisdiction has been heard by the Court.

#### **B. Defendants' Response to Complaint**

Defendant Joel Wayne Cuthriell filed an Answer to Plaintiffs' Complaint at Law.

Defendants Bradford Stephens, Ryan Eagle, and Catherine Byerly are not obligated to file responsive pleadings until May 4, 2022.

## **6. CASE PLAN**

**A. Mandatory Initial Discovery Pilot – Defendants Ryan Eagle, Bradford Stephons, and Catherine Byerly, have not yet determined the scope of discovery at this time.**

**B. Discovery Plan**

*(1) General Type of Discovery Needed:*

*(2) MIDP Exempt Cases: Date for Rule 26(a)(1) disclosures:*

*(3) First Date to Issue Written Discovery:*

*(4) Fact Discovery Completion Date:*

*(5) Expert Discovery Completion Date & Dates for Delivery of Expert Reports:*

*(6) MIDP Cases: Date for Final Supplementation of Mandatory Initial Discovery Responses:*

*(7) Date for Filing of Dispositive Motions:*

**C. Trial**

*(1) Jury Trial:*

A Jury Trial has been requested.

*(2) Probable Length of Trial: As yet not known.*

## **7. STATUS OF SETTLEMENT DISCUSSIONS**

**A. Settlement Discussions – Settlement discussions have not yet begun, pending service and responsive pleadings and discovery commencement.**

**B. Status of Settlement Discussions**

**C. Request of a Settlement Conference**

DATED April 5, 2022,

Respectfully submitted,

/s/Michael C. Goode  
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ATTORNEYS FOR DEFENDANTS